

REMARKS/ARGUMENTS

Claim 1 has been amended to remove informal language and to cancel reference to the compounds of 1(c) through 1(ss). The specification has also been amended to capitalize trademarks. Claims 22-43 have been cancelled without prejudice to or disclaimer of the subject matter encompassed thereby. Applicants expressly reserve the right to file continuing applications or take other such appropriate measures to seek protection for the inventions encompassed by the cancelled subject matter.

Claims 11 and 12 have been withdrawn and claims 1-10 and 13-21 are currently under examination. Reconsideration of these claims is respectfully requested in view of the following remarks. The Examiner's comments in the Office Action are addressed below in the order set forth therein.

The Objections to the Specification and Claims Should Be Withdrawn

The Examiner objected to the specification because various trademarks were not capitalized. Applicants have amended the specification to capitalize all trademarks. Accordingly, Applicants request that this objection be withdrawn.

The Examiner objected to claim 1 for use of informal language. Claim 1 has been amended to remove the phrase "(illustrated below) as disclosed in" and the reference to U.S. Patent No. 6,225,324. Accordingly, Applicants request that this objection be withdrawn.

The Rejection of the Claims Under 35 U.S.C. §103(a) Should Be Withdrawn

Claims 1-10 and 13-21 are rejected under 35 U.S.C. §103(a) as being obvious in light of Poss *et al.* (U.S. Patent No. 6,225,324) in view of Childers *et al.* (U.S. Patent No. 6,469,007). This rejection is traversed for the reasons provided below.

The present claims are directed to methods for treating sexual dysfunction that comprise administering to an individual in need thereof a therapeutically effective amount of an active agent on an as-needed basis, where the active agent is a substituted-benzyl or substituted-indolyl

cyclic amino- substituted N-aryl or heteroaryl cyclic amine according to the formulas in claim 1(a) or 1(b).

Poss *et al.* teach a method of treating depression by inhibiting the reuptake of endogenous serotonin using compounds according to the formulas in claim 1(a) or 1(b). As the Examiner correctly points out, Poss *et al.* do not teach a method for treating sexual dysfunction. Childers *et al.* teach piperazine compounds that are 5-HT_{1A} receptor antagonists to treat depression and sexual dysfunction.

The U.S. Supreme Court has recently held that the “teaching, suggestion, motivation to combine” (TSM) test promulgated by the Federal Circuit provides a “helpful insight” when assessing obviousness. *KSR Int’l Co. v. Teleflex, Inc.*, No. 04-1350, slip op. at 14 (U.S. Apr. 30, 2007). Moreover, the Court stated that “a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art.” *Id.* In the instant case, the Examiner has suggested that it would have been obvious to one of skill in the art to use the antidepressants of Poss *et al.* in a method for treating sexual dysfunction because Childers *et al.* teach compounds that can be used to treat both depression and sexual dysfunction. However, Applicants submit that one of skill in the art would not have been so motivated because the piperazine compounds taught by Childers *et al.* are neither structurally or functionally related to the Poss *et al.* compounds.

As described above, the compounds of Poss *et al.* are substituted-benzyl or substituted-indolyl cyclic amino- substituted N-aryl or heteroaryl cyclic amines that act as selective serotonin reuptake inhibitors (SSRIs), which inhibit the reuptake of serotonin into presynaptic neurons. In contrast, the compounds of Childers *et al.* are piperazine compounds that are 5-HT_{1A} receptor antagonists, which act to increase the amount of serotonin released from presynaptic neurons. The Poss *et al.* reference does not teach or suggest piperazine compounds that are 5-HT_{1A} receptor antagonists to treat sexual dysfunction, and the Childers *et al.* reference does not teach or suggest SSRI compounds to treat sexual dysfunction. Accordingly, application of the TSM test in the instant case does not support a finding of obviousness and Applicants request that this rejection be withdrawn.

CONCLUSION

In view of the aforementioned remarks, Applicants respectfully submit that rejection of the claims under 35 U.S.C. §103(a) is overcome. Accordingly, Applicants submit that this application is now in condition for allowance. Early notice to this effect is solicited.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON December 19, 2007.